

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

NICHOLAS C. NEVAREZ,
Plaintiff,

v.

JARIUS WILLIAMS, et al.,
Defendants.

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No. 3:02-CV-635
(Phillips)

ORDER

This matter is before the court on defendants' motion to dismiss [Doc. 134]. In the motion, defendants state that construction on the new Grainger County Justice Center, which includes a new jail facility has been completed. The inmates formerly housed at the old Grainger County jail have been transferred to the new jail facility. Therefore, defendants contend no reason exists to continue this case on the court's docket and dismissal is proper.

Plaintiffs do not oppose the dismissal of the lead cause of action, but state that the case of *Gary L. Grubb v. Grainger County, Tennessee*, Docket No. 3:05-cv-58 which was merged into the instant matter remains pending and should continue.

Accordingly, it appears to the court that pursuant to Fed.R.Civ.P. 21, the case of *Gary L. Grubb v. Grainger County, Tennessee*, Docket No. 3:05-cv-58, should be severed from the instant action and the clerk is **DIRECTED** to set the matter for a scheduling conference.

All matters in the lead case having been concluded, the defendants' motion to dismiss *Nicholas C. Nevez v. Jarius Williams, et al.*, Docket No. 3:02-cv-635 is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge